

No. 05-19-00607-CV

PETER BEASLEY,

Appellant,

v.

SOCIETY FOR INFORMATION
MANAGEMENT, ET. AL,

Appellees.

§
§
§
§
§
§
§
§
§
§

IN THE 5th DISTRICT COURT

FILED IN
5th COURT OF APPEALS
DALLAS, TEXAS

COURT REPORTER
9/11/2020 7:50 PM

LISA MATZ
Clerk

DALLAS, TEXAS

**OPPOSED MOTION FOR LEAVE OF COURT TO PROVIDE PREVIOUSLY
UNAVAILABLE EVIDENCE TO AID DETERMINATION OF THE APPEAL**

TO THE HONORABLE JUSTICES OF SAID COURT:

COMES NOW, Appellant, Peter Beasley, (“Beasley”), pursuant to Rule 10.2,
and states the following:

1. August 28, 2020, this Court affirmed the trial court’s judgment, in a detailed 30-page opinion, authored by Justice Osborne. With this opinion, Appellant is entitled to file a Motion for Rehearing by Monday, September 14, 2020. The Opinion affirmed the trial court’s December 11, 2018, judgment declaring Appellant a vexatious litigant. The Office of Court Administration (OCA) administers the list of those litigants, and the list is available online, <https://www.txcourts.gov/judicial-data/vexatious-litigants/>.

2. To aid the finding of justice, Appellant requests leave of court to provide the additional relevant information from ¶ 6, below which was previously unavailable.

3. Below is a listing from the OCA website, sorted to identify the people added to the list since 2016 from Dallas County, as updated September 9, 2020.

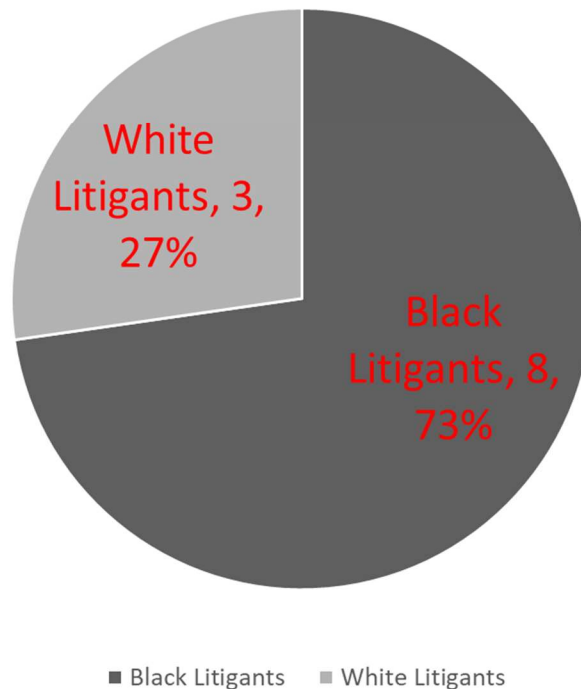
Office of Court Administration						
List of Vexatious Litigants						
Subject to Prefiling Orders under Section 11.101, Civil Practice and Remedies Code						
Vexatious Litigant						
Last Name	First Name	Middle Name	Date	Cause #	Court	Comment
Coleman	Alvester		8/6/2020	DC-20-09073	14th	
Stuer	Jules	Dylan	2/28/2020	DC-19-16060	298th	
Claiborne	Shanta	Y.	6/14/2019	DC-19-03933	192nd	
Rowe	Jamers	Laray	2/13/2019	JC-18-01005	304th	
Jones	Jason	Patrick	12/17/2018	DC-18-05511-D	95th	
Beasley	Peter		12/11/2018	DC-18-05278	191st	on appeal
Williams	Yolanda		10/11/2017	DC-17-08050	162nd	
Gross	Samuel	R.	5/19/2017	PR-15-04382-2	Probate Court #2	
Aubrey	Steven	B.	2/2/2017	DC-16-12693	116th	
Duru	Rose	Adanma	4/18/2016	DC-16-00496	68th	
Nixon	Tracy		4/14/2016	DF1601234	301st	
Aubrey	Steven	B.	3/25/2016	DC-15-11685	14th	

4. Appellant, Peter Beasley, has reached-out to all of these individuals either by phone or e-mail, or through on-line records to determine their ethnicity. Appellant, he is a Black man. I've spoken with Alvester Coleman, Tracy Nixon and Yolanda Williams to confirm their race. Through police and incarceration records, I've confirmed the ethnicity of Jason Jones, Jules Stuer, and James Rowe. Through on-line websites, social media and phone conversations, I have researched the ethnicity of Shanta Claiborne, Samuel Gross, Rose Duru, and Steven Aubrey.

5. The list of Dallas County vexatious litigants since January 1, 2016, by race is listed below.

Office of Court Administration								
List of Vexatious Litigants								
Subject to Prefiling Orders under Section 11.101, Civil Practice and Remedies Code								
Vexatious Litigant		Race		Date	Cause #	Court	County	Comment
Last Name	First Name	Black	White					
Aubrey	Steven		1	3/25/2016	DC-15-11685	14th	Dallas	
Nixon	Tracy	1		4/14/2016	DF1601234	301st	Dallas	
Duru	Rose	1		4/18/2016	DC-16-00496	68th	Dallas	
Gross	Samuel	1		5/19/2017	PR-15-04382-2	Probate Court	Dallas	
Williams	Yolanda	1		10/11/2017	DC-17-08050	162nd	Dallas	
Beasley	Peter	1		12/11/2018	DC-18-05278	191st	Dallas	on appeal
Jones	Jason		1	12/17/2018	DC-18-05511-D	95th	Dallas	
Rowe	Jamers	1		2/13/2019	JC-18-01005	304th	Dallas	
Claiborne	Shanta	1		6/14/2019	DC-19-03933	192nd	Dallas	
Stuer	Jules		1	2/28/2020	DC-19-16060	298th	Dallas	
Coleman	Alvester	1		8/6/2020	DC-20-09073	14th	Dallas	
		8	3	11				
		73%	27%					

**Skin Color of Dallas County's New Vexatious Litigants
January 1, 2016 - August 20, 2020**



ARGUMENT AND AUTHORITIES

6. The underlying lawsuit is about race discrimination. Beasley, was the first Black person elected to the Board of Directors of the Society of Information Management for the Dallas Area Chapter (SIM). The record before this court has Appellant's live, 2nd Amended Petition, which lists the "Underlying Dispute" to be:

This lawsuit stems from Beasley, a board member with legal fiduciary duties, to have SIM Dallas operate within its own bylaws, him trying 1) to stop a give-away of member's dues to non-members who are friends of the board and 2) ***to stop the organization's discriminatory membership practices*** – to unfairly exclude minorities, keeping them from advancement opportunities.

7. SIM is a Texas non-profit corporation which prohibits money being funneled to members. And, it is against public policy to withhold membership and expel members based on race and gender discrimination.

8. As this court identified in its Opinion affirming the underlying judgment, Appellant argued that the Texas Vexatious Litigant statute is unconstitutionally vague, which unfairly allows attorneys and courts to discriminate against Black litigants.

9. The U.S. Supreme Court said it best:

The vagueness of a law not only withholds fair notice of what those regulated may do, but also leaves *unwarranted discretion in the hands of enforcement authorities*. E.g., *Grayned v. City of Rockford*, 408 U.S. 104, 108-09 & n. 5, 92 S.Ct. 2294, 2298-99 & n. 5, 33 L.Ed.2d 222 (1972).

Implicit Bias is Real – Unequal Protection under the Law

10. People have innate, unconscious biases. Today, we see demonstrations daily worldwide in protest to how Black people are treated in America. We've all now seen our President Donald J. Trump scoff June 19, 2020, at "the anger and pain" Black Americans face throughout their lifetime as victims of "White Privilege."

11. This Court and perhaps the George Allen courthouse judiciary may be unaware of the overwhelming pattern of how Black people are ushered onto the Texas Vexatious Litigant list – through unequal protection under the law.

12. In the trial court Beasley alleged that the Texas Vexatious Litigant statute was unconstitutionally vague. But, the trial court would not hear Beasley. And now this Court, in its August 28, 2020, Opinion failed to address any of Beasley's nine specific constitutional challenges.

13. The four year pattern bias evidence in ¶ 6 to September 2020, covering the period before Beasley was added to the list, up to when this Court

affirmed the judgment was of course unavailable at the time Beasley was required to perfect his appeal.

14. Racial discrimination is often proven looking backwards at patterns which make a *prima facie* case that unfair, discriminatory practices may exist. Retroactive pattern data exposed a long lines of cases of discriminatory venire men selection¹ to eliminate Black people from juries, and Texas death penalty sentences² that unequally executed Black people.

15. To show the relevance of the requested information, first, Beasley, as an African-American, identifies as part of a group that is a recognizable, distinct class, historically singled out for different treatment under the laws, as written or as applied. *See, Castaneda v. Partida*, 430 U.S. 482, 492-95 & n. 12, 97 S.Ct. 1272, 51 L.Ed.2d 498 (1977).

16. Second, the pattern data uncovered in ¶ 6, *supra*. of the 3x times number of Black people added to the Texas Vexatious Litigant list from Dallas County than White people makes out a *prima facie* case that unequal protection

¹ *Cassell v. Texas*, 339 U. S. 282, 286-287 (1950)

² *Furman v. Georgia*, 408 U.S. 238, 92 S.Ct. 2726, 33 L.Ed.2d 346 (1972)(A study of capital cases in Texas from 1924 to 1968 reached the following conclusions: "Application of the death penalty is unequal: most of those executed were poor, young, and ignorant.)

or application of the law exists, whether it is conscious or unconscious. *See, Hernandez v. Texas*, 347 U. S. 475, 478-479 (1954).

17. This court denying Beasley appeal on August 28, 2020, has made the requested evidence relevant to the issues on appeal, and leave of court is requested to add this evidence in support of his rehearing motion and in support of the existing claims on appeal.

WHEREFORE, Beasley requests this court grant leave of court to include the Table and Chart evidence from ¶ 6, *supra*. in Beasley's contemporaneously filed Motion for Rehearing, in the interest of justice.

Plaintiff prays for general relief.

Respectfully submitted,

/s/Peter Beasley
Peter Beasley, pro se
P.O. Box 831359
Richardson, TX 75083-1359
(972) 365-1170
pbeasley@netwatchsolutions.com

Certificate of Conference

I hereby certify that on the 11th day of September 2020, the parties conferred on the motion, and it is opposed.

/s/Peter Beasley
Peter Beasley

DECLARATION OF VERIFICATION

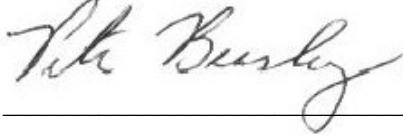
STATE OF TEXAS §

COUNTY OF DALLAS §

My first, middle, and last name is Peter Morell Beasley, my date of birth is September 20, 1958, and my address is 12915 Fall Manor, Dallas, Texas, 75243, United States. I declare under penalty of perjury that the foregoing statements are true and correct.

1. My name is Peter Beasley. I am over the age of twenty-one years, of sound mind, have never been convicted of any felony offense and I am fully competent and authorized to make this declaration. I have personal knowledge of the facts stated herein the Motion due to my personal involvement in the events and occurrences set forth.
2. I am the Appellant in the above entitled and numbered matter.
3. I have read the above and foregoing Motion; that every statement of fact are within my personal knowledge, and are true and correct.

Executed in Dallas, State of Texas, on the 11th day of September, 2020.



Declarant

Certificate of Service

I hereby certify that on the 11th day of September 2020, a true copy of the foregoing instrument was served on opposing counsel for the defendants by electronic means and the electronic transmissions were reported as complete.

/s/Peter Beasley
Peter Beasley

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Envelope ID: 46179155

Status as of 9/14/2020 8:08 AM CST

Associated Case Party: Peter Beasley

Name	BarNumber	Email	TimestampSubmitted	Status
Peter Beasley		pbeasley@netwatchsolutions.com	9/11/2020 7:50:27 PM	SENT

Associated Case Party: Society of Information Management

Name	BarNumber	Email	TimestampSubmitted	Status
Peter S. Vogel	20601500	pvogel@foley.com	9/11/2020 7:50:27 PM	SENT
Sona Julianna Garcia	24045917	sjgarcia@grsm.com	9/11/2020 7:50:27 PM	SENT
Robert Bragalone		bbragalone@grsm.com	9/11/2020 7:50:27 PM	SENT